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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.3832 OF 2007

Hareshwar Pandurang Tandel...Petitioner
Vs.
State of Maharashtra & Ors.....Respondents

Mr. V.P. Patil i/b. Mr. Vilas Mali for the Petitioner.
Mr. C.R. Sonawane, AGP for respondent Nos. 1 to 3.
Mr. A.R. Pitale, for caveator.
Mr. R.S. Apte, for respondent No.4.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 27th June, 2007

P.C.

. Rule. Heard forthwith.

2. The documentary evidence on record no doubt shows that the entries in the school record of the petitioner's father and the petitioner himself is Son Koli. This document by itself would have established that the petitioner does not belong to Mahadeo Koli, S.T. But in the enquiry conducted the Committee was informed that the grand father of the petitioner had given traits and characteristics. The petitioner by amendment to the petition in para.16C has set out that his grand father on the father's side died in the year 1938 and on the mother's side in the year 1987. In other words the person who was examined, it is submitted, was not the grand father of the petitioner. It is also contended that the petitioner had relied on the judgment of this Court given in the case of Narayan Deoji Koli. One Shri Ravindra Moreshwar Koli (Thanekar() had field an affidavit claiming that he is related to the petitioner and Narayan Deoji Koli was his

father's cousin brother. He has set out therein that he knows Hareshwar Pandurang Koli, the petitioner herein. Considering the fact that the Committee relied on the report as to the traits and characteristics of a person who was not the grand father of the petitioner that would disclose non-application of mind on the part of the Committee if the averments made by the petitioner in this petition are correct. In the light of that the impugned order is set aside. We direct the Committee to conduct fresh home enquiry considering the documents produced and the documents we have referred to in our judgment and thereafter after complying with the procedure to take a fresh decision at any rate not later than four months from today. In the meantime the Election Commission is directed not to fill the vacancy caused by the disqualification of the petitioner.

. Rule made absolute accordingly. No order as to costs. The petitioner to appear before the Committee on 10th July, 2007 at 11.00 a.m.

(F.I.REBELLO, J)

(R.M. SAVANT,J)